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Dear Dave,

Thank you for accepting these comments on the pre-public draft of the Cherry Point Management Plan. I am hopeful that we can move forward quickly and in concert on this plan and start beginning the real work of protecting the resource!

In general, this plan is much better than the previous plan. It is far more comprehensive and reflects better the genesis of the plan. With its larger scale, however, it is often times very difficult to see the forest for the trees. Here are my broader concerns associated with the plan:

- It is not clear what species listed in the plan drive the plan. I assume the “driver” is Cherry Point herring recovery. This needs to be made explicit.
- Better linkages between the listed species and potential management actions need to be made.
- Actual implementation of the plan is vague.
 - How will the plan be implemented?
 - How will progress be measured?
 - What are the next steps in implementation?

I also found that important technical information on the type and volume of discharges from the industrial facilities, as well as ballast water inspection data was missing from the plan. I will work on compiling this data and will submit it later this month, for inclusion in the plan.

More detailed comments follow. Note that some of these comments may also be included in a joint draft document submitted by the environmental caucus.

Thank you so much for your continued perseverance in protecting the Cherry Point reach.

Sincerely,

Wendy Steffensen
North Sound Baykeeper

1.1.2.: Jennifer Belcher did not “propose to designate an environmental aquatic reserve”, she “designated”

1.1.2.: I believe that the Technical Advisory Committee’s recommendation and rationale for recommendation is important and should be placed in this background material.

1.2.1 The boundary includes the unusual area adjacent to the Intalco pier which corresponds to light penetration. Some mention of this unusual boundary condition is needed.

1.2 Some mention should be made as to the rationale for not listing CP herring under ESA

2.1 Who/ what is “Cherry Point Industrial Park”? They were not present as a stakeholder- do they have an interest in this process- or are they just the amalgamation of landholders previously mentioned?

2.2.2 Significant legal cases/ findings should be included here.

- * BP expansion resulting in vessel traffic study
- * Permit of Arco permit resulting in development of herring toxicity test
- * petition of CP herring

3.1.3.1 County Growth Management Planning. The updated version of the Whatcom County Comp. Plan should be used; citation June 2008.

- “The existing industrial developments occupy about 4,100 acres of the total Cherry Point industrial lands and added a new 1,100 acre shipping port.” Change this to may add a new 1,100 acre bulk commodities shipping port.
- Based on this consumption figure, Whatcom County concluded in their County Growth Management Plan (p. 2-57, 2005) ... Change this citation to 2-52, 2008.
- In addition, note there is a listed policy to limit the number of piers in Cherry Point (2-55, 2008): Policy 2BB-10: It is the policy of Whatcom County to limit the number of piers at Cherry Point by establishing a development moratorium. Notwithstanding the above, this moratorium shall not affect, nor otherwise apply to, any proposed pier that Whatcom County approved under its Shoreline Management Program prior to adoption of the moratorium.

Section 4.4: The organization of species is not always as clear as it could be. For each species, the reader should be able to quickly discern the status of the species and its use or reliance on the Cherry Point Resource area.

4.4.2.1: “Cherry Point Pacific herring, are centrally located in the food web, acting as a prey species for marine mammals, birds, copepods and larval fish.”

- you might want to point out a distinction b/w herring and herring eggs as prey items—
- I would also check info on copepods and larval fish- I believe these are more likely to be prey

- add fish as a predator

4.4.5 and 4.4.5.2 What is the relationship between the listing of summer and winter bird species and the listing of “Bird species representative of Cherry Point”. Why aren’t all of the bird species representative of Cherry Point listed in the beginning? If some are year-round you can include that heading as well. A short listing as you have upfront would be useful for all the relevant ones as you have short notes on listing status in one discrete place.

4.4.5.1, p. 59 “PSAMP comparisons revealed significant findings for marine birds throughout Puget Sound and the surrounding area. Many populations appeared to be decreasing - grebes, loons, scoters, scaup, oldsquaw, pigeon guillemot, marbled murrelet, cormorants, and black brant. “

In the 2007 State of the Sound publication, certain bird populations do not APPEAR to be decreasing, they have decreased. See the following excerpts and please include the relevant decreases under each species.

http://www.psparchives.com/publications/puget_sound/update/07update/sections/07_update-biological-resources.pdf

- Based on historic surveys (Wahl et al. 1981) and WDFW’s annual monitoring program initiated in 1992, densities for all three scoter species in Puget Sound nearshore waters have declined as follows: surf scoters, 64 percent; white-winged scoters, 33 percent; and black scoters, three percent.”
- decline in wintering numbers for Western grebes in the inner marine waters. This species exhibits the greatest percentage of decline (81 to 95 percent) over the last 30 years for any one marine species. Despite these declines, Washington continues to support globally significant numbers of western grebes between late autumn and early spring. Up to 20 to 25 percent of the world population of western grebes (Kushlan et al. 2002) over-winter in the state. This suggests that Washington will play an important role in any conservation effort expended towards this species.
- The Western Washington University surveys also indicate a decline in red-throated and Pacific loons (Bowers et al. unpubl. data). Red-throated loons have declined by 73 percent and Pacific loons by 52 percent over the past 30 years.
- The rhinoceros auklet is the most abundant breeding alcid in the inner marine waters of Washington; however, populations are concentrated at only two sites—Protection and Smith Islands. Recent publications (Wilson et al., 2005) confirm that breeding pairs of Rhinoceros auklets on these islands have declined from 17,000 pairs in 1975 to 12,000 pairs in 2000—a 30 percent decline.

4.4.5.2.2, P 64: Marbled murrelets are federally listed as a threatened species –this should be noted.

P 65: In regard to loons, the following was stated: Because this bird is reliant so heavily on nearshore resources during the winter months, and is flightless during winter, therefore possibly more susceptible to impacts in the marine and nearshore environment, this species is being considered under this plan”.

Are all birds listed in the document being considered in the plan- and if so how? What exactly does this mean?

p. 67, 68 Great blue heron: there are a number of locations and populations discussed: rookery at “Cherry Point”, heron rookery at Terrell Creek, Birch Bay colony, Drayton harbor colony. It is not clear to me whether we are talking about one colony/ rookery or more than one. Please be explicit and give only one name and location to each.

Table 5:

Missing the invasive tunicate, Didemnum sp.

The listing in Table 5 is good as far as it goes, but it would be more useful if it also stated the common name of the organism (if applicable), whether the exotic is simply non-native or invasive and the threat of the particular invasive.

For example the following non-natives, are known better by their common names:

Crassostrea gigas= Japanese Oyster

Venerupis philippinarum = manila clam

Nuttallia obscurata= varnish clam

5.2 The listing of species of concern for each of the areas may need to be rechecked.

For example, riparian area may be important for any fish using migratory corridor along shore. Nearshore area should be specified as important for fish using migratory corridor, birds that are feeding and or taking refuge in nearshore, but may be less important for marbled murrelet and orca, although these species are listed.

5.3.1.1 p. 87

“As demonstrated by the high standard deviation, the southerly stocks have a wide range of individual measurements.” : NO standard deviation was discussed

“The levels were compared to the 10th percentile residue effect threshold for the protection of juvenile salmonids, which was suggested by Meador et al (2002) to be set at 2400ng PCBs/g lipid (2002). Port Orchard exceeded this benchmark, Cherry Point had concentrations at about ½ the threshold, and Squaxin Pass was intermediate. The results show that PSPH and CPPH have PCB concentrations that are near or above the suggested threshold concentration for juvenile salmonids of 2.4 mg/g lipid (Meador *et al.* 2002).: These sentences don’t make sense.

Are we talking about herring or salmonids?

Is Cherry Point ½ the threshold or near the threshold?

Check the units. 2400 ng/ g = 2.4 ug/g (NOT 2.4 mg/g)

I find it surprising that no information on the effect of PAHs is included here. Some references:

<http://www.seaweb.org/resources/citations/marinepol/1999/99oil.1.php>

<http://www.pwsrca.org/docs/d0002200.pdf>

<http://www.allenpress.com/pdf/i1551-3793-3-3-351.pdf>

<http://www.ehponline.org/members/2005/8230/8230.html>
http://www.afsc.noaa.gov/ABL/Habitat/ablhab_perspectives.php

5.3.1.4 Current regulatory protection (page 89)

Say what the petition was for.

Spell out DPS.

5.3.2 “It was found that the altered beach had...” define the altered beach

”Identified surf smelt spawning sites have been given “no net loss” protection (WDFW 2007...” Wasn’t this for both surf smelt and sand lance?

5.3.4 Common Murres

Note that murres have had a big die-off up and down the Coast, several years back due to climactic conditions.

Here are a few articles:

<http://abclocal.go.com/kabc/story?section=news/local&id=4391237>
http://www.usatoday.com/weather/stormcenter/2005-07-27-murres-dying_x.htm

5.3.7 Include numbers of decline.

Were there caged mussel studies and what were the results of those?

Page 110: Spills

Any information on impact to herring during spills?

Clarify NRDA role

Clarify June 1999: spill to water is 1050 gallons and NRDA “settled on” 300 gallons to water

5.11.1.1.

Define PM 2.5 and PM 10

7.1 *Restoration & Enhancement*

Inventory and remove derelict fishing gear in the Cherry Point management area.

Add Northwest Straits Commission to list of cooperators

7.2 Protection

Add: Preserve nearshore wetlands through purchase, conservations easements and/or regulation

Cooperators could include Whatcom County

7.3 Monitoring, Data Collection & Research

Add: Seek out and request new determinations of AKART for federal regulations of industrial dischargers.

Cooperators: Ecology

7.9 Monitoring, Data Collection & Research

Add: Increase rates of ballast water exchange monitoring of vessels that dock within CPRA

Cooperators: WDFW, Industries

7.10 Monitoring, Data Collection & Research

Note that the statement “Support the cap-and-trade program within the Cherry Point Resource Area” could lead to higher emissions in this resource area!

Amend this statement to read: “Support the cap-and-trade program within the Cherry Point Resource Area, insofar as this results in decreased emissions at the Cherry Point Resource Area”.

8.0 Page 140

DNR is obligated to seek a balance of its social, economic and environmental needs through its management of state owned aquatic lands. While this is true, DNR’s document, “Aquatic Reserve Program Implementation and Designation Guidance” states the more specific guidance for environmental management plans, and it should be included here. It is as follows:

- Be based on habitat and species considerations, restoration and recovery efforts, and cultural resources.
- Have adequate protection to preserve and improve biodiversity and ecosystem function.
- Include coordination with other entities with jurisdiction, treaty rights, adjacent landowners, and others with legal rights to use the area.
- Include adequate protection of cultural resources, where applicable.
- Limit activities to those that will not negatively impact the habitats and species identified for conservation.
- Ensure that lease activities implement measures to primarily serve the objectives of an environmental reserve.

9.1 Page 142

It is very important that the public does not have to dig around for this information but that it is readily available and its existence is easily knowable.

Insert the word SHALL/ WILL into the following locations:

This data and information SHALL be available to the public, industries, agencies, tribes, environmental groups, and others. The plan manager WILL do the following:

Establish a system for the storage of data and information generated by research and monitoring actions identified in this plan. This system SHALL be designed to make information and data readily available to the public as well as resource agencies, industry and tribes.

9.1 page 142.

Reword the following- substantive changes are in caps- also it is better grammatically to start each bullet with a strong verb

Establish a system for the storage of data and information generated by research and monitoring actions identified in this plan. This system SHALL be designed to make

information and data readily available to the public as well as resource agencies, industry and tribes.

Establish connections and coordinate with regulatory agencies that routinely develop data needed to address the actions identified in this plan.

Track activities called for in the plan and ensure that priority activities are being implemented first. (remove the word Should)

Provide reports on monitoring and research, and summaries of reports from other agencies to cooperators who participate in the long-term over-site of this management plan and TO STAKEHOLDERS WHO HELPED DEVELOP THIS PLAN (remove the word routinely from the start of the sentence- all bullets should start with an action word)

Ensure new and renewed use authorizations are consistent with this plan

Implement, amend, and update this plan. (remove the word will)

9.2

All major regulatory decisions and significant leasing conditions will be shared and discussed with the resource managers prior to implementation.

ADD: Notice of upcoming comment periods and impending decisions will be sent out to members of the public, who sign up on a Cherry Point listserve.

9.2.2 Updating the Plan

An entire update to the plan likely seems daunting. There should be a procedure in place to amend sections of the plan based on new information and/ or requirements. The update process should occur when needed, and should be assessed every 1-2 years at a minimum.

9.2.4 Communication with the Public

Communication with the public needs to be more formalized. I suggest a Cherry Point listserve which would give notice to the public of reports discussed in 9.1 and regulatory decisions discussed in 9.2.

Regular communication should be defined- being every 1-2 years at the minimum (coinciding with potential amendments to the plan)

Meetings of the Cherry Point group agencies and tribes should be public and advertised.

9.2.6 Adaptive Management.

Ten years is too long of a time period to make changes in the plan. As stated previously, assessments should be made every 1-2 years, amending sections of the plan as needed. Perhaps a comprehensive assessment of the plan should be made every 10 years.

Appendix A

Under current uses and Whatcom County description and population increase, I believe some mention of the cities should be made. As written, it appears that Whatcom County is almost entirely rural and the population increases are taking place in rural areas.

TYPOS/ READABILITY

Page 12: at the same time provide an a potential alternative (strike “an”)

Page 18: ... manufacturing, shipping and commerce on uplands zones high impact heavy industrial. (change zones to zoned)

Page 18: ... Cherry Point Resource Area contribute millions of gallons of. water and runoff (TO) this part of Georgia Strait. Non-indigenous aquatic plants have found a foothold in the nearshore of (THE) Resource Area and are displacing...

Page 18: the Frazer and Nooksack Rivers, (FraSer)

Page 20: This management plan includes provisions which, if implemented by the appropriate entities and programs, will result in a better understanding of the current state of the Cherry Point Resource Area leading to targeted actions that will ensure the long-term health of the of aquatic ecosystem and the organisms that rely on it. (this seems like a run-on to me- maybe two discrete sentences)

Page 23: There are currently 7 existing leases or easement and one (easementS)

Page 25, Table 2: Item in 2001 “Washington Department of Health re-opened 1.5 miles of beaches around Pt. Whitehorn previously closed to recreational shellfishing, reducing the closure zone from 2,640 feet to 1,380 feet. Shouldn’t there be a corresponding item that shows closure of the recreational shellfishing?”

Page 25, Table 2: Item in 2002: Birch Bay Water and Sewer District withdraws its proposal for wholesale service to Blaine, who has chosen to construct reclaimed water plant instead. Not sure why this is relevant- also no corresponding proposal.

Page 27: This sections (strike plural S)

Page 29: The information about marine SAV in the parks section appears misplaced.

Page 33: Information on the biogeographic region and nine subregions would best be supplemented by a map.

Page 34: For comparison, the annual amount of freshwater entering Puget Sound is only 10-20 percent of the amount entering the Strait of Georgia, most of it via the Fraser River. (strike the last phrase- it is not clear to what it is referring)

Page 34: Terrell Creek discharges just north of Cherry Point through Birch Bay State Park, and two unnamed freshwater creeks identified as streams 01.0100 and 01.0101. (complete second phrase)

Page 35: Both definitions of neritic and euphotic seem to say from the surface to 660 feet- is that what you meant?

Page 38: of Cherry Point (1) Birch Bay, (2) Point Whitehorn, and (3) Cherry Point. (need Colon after first Cherry Point)

Page 38: Blocking supplies of sand to downdrift beaches, flats and sand spits by structures such as marinas and groins can erode and damage beach habitat. (this sentence doesn't make any sense to me)

Page 38 and 39: again a figure showing drift cells would be useful.

Page 39: The cell has an abundance of sediment, and accounts for approximately 54 percent of the Cherry Point Resource Area, while feeder bluffs make up an additional 9 percent. The Cherry Point Resource Area is also characterized by recent landslides, representing over 18 percent of the shore reach. Toe erosion was identified along 38 percent of the Resource Area. Human modifications that directly affected geomorphic processes were identified along 9 percent of the Cherry Point Resource Area. – (These percentages are confusing- are you saying that 54% of the entire land mass of the CPRA was derived from the CP drift cell- or something else, etc)

Page 40, 41: Did DNR only look for *Z. marina*- or does this include *Z. japonica* as well.? There were “important insights” – what were these? What did the data say?

Page 42: Table 4.0 in title and caption- include date of Whatcom County data.

Page 44: These sentences “The marine habitat along Cherry Point is considered critical offshore habitat for the Coastal-Puget Sound bull trout population. In marine waters, bull trout seek out surf smelt and other schooling fish, such as herring.” Are found in both paragraph 1 and 4 under Bull trout.

Page 47: How can sea-run cutthroat develop as juveniles in estuaries for 2-7 years and migrate upstream to spawn at 3-5 years?

Page 50: Within Puget Sound, some herring stocks highly variable in number from year to year and between locations (WDFW 1998). (insert ARE)

Page 54 Figure 9: Solid green shows where the surf smelt are located- there are other colors and areas on the map that are confusing. Either use the map and explain all of the key or show a map with just the surf smelt area shown.

Page 55: Confused sentences:

- The incubation period is about four weeks. before the larvae enter the nearshore environment.
- While most burrowing behavior may occur sediments at night to

Page 55, 56: not sure if it is correct to say “sand lances”, plural might just be sand lance

Page 63: Preferred foots are small fish and a variety of other aquatic creatures, including mollusks and crustaceans (BirdWeb, 2008). (fooDs)

Page 86: Potential threats to the upper intertidal or subtidal divisions of the nearshore habitat include climate change, water quality, ship traffic with associated effects (spills, noise, wake, discharge), and any significant decreases in the water quality of the Fraser River may impact the pelagic habitat of the Cherry Point Resource Area. (Sentence needs restructuring)

page 88: Potential interactions between the three proposed causes are examined next. Note that only two potential threats had been discussed.

Page 102: here is also potential for impacts form... FROM instead of form

5.11.2 (page 118) La Nino—Should be La Nina

5.11.3.1 (page 119)

The increased emissions of greenhouse gases, so called because of their ability to absorb infrared radiation emitted by the earth, associated with human activities are the most commonly recognized link to global warming.

This sentence needs to be restructured.

5.11.4 (page 119)

Impacts include: ocean acidification, sea level rise, increased storm severity, increased water temperature, photo enhanced toxicity, which may result in changes to species abundance and distribution.

This sentence needs to be restructured.

7.10 (page 137)

Investigate the potential impacts of vessel emissions, population affects, new facilities and global transport of pollutants. (population Effects)

* Note, there are a number of instances where I believe the word “effect” should have been used instead of “affect”

Appendix D: this listing should be presented in some sort of order- by type or alphabetically—something...